



*Ravalli County*

## RAVALLI COUNTY ATTORNEY

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**RECEIVED**

**MAY 29 2008**

**Ravalli County Commissioners**

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May 29, 2008

Richard A. Weber, P.C.  
Attorney at Law  
345 West Main Street  
Hamilton, Montana 59840

RE: Roger Russ Subdivision and Summerdale Orchards Subdivision Pro Rata Calculations

Dear Dick:

This letter is in response to your correspondence dated April 25, 2008, protesting the pro rata calculations for the above-referenced subdivisions. As we discussed, I have spoken with both the Ravalli County Road Department and Planning Department about your concerns, and am forwarding some preliminary information for your consideration.

Enclosed please find copies of the Pro Rata Determinations for both subdivisions. Also enclosed is a summary sheet compiled by the Planning Department providing a timeline for the prior subdivision application reviews and a current status. The summary sheet also includes suggested options for Mr. Russ on the smaller subdivision, which you communicated was his primary concern.

The enclosed Pro Rata Determinations identify the specific roads impacted by the subdivisions. The Road Department has confirmed that the Middle Burnt Fork Road and Popham Lane are both on the Road Department's operating schedule for bituminous surface treatments. A portion of this treatment for the Middle Burnt Ford Road has been postponed due to the town of Stevensville's water system improvement project. Summerdale Road is local access road which is not currently scheduled for any surfacing by the County.

Richard A. Weber, P.C.  
May 29, 2008  
Page 2

I hope this information answers some of your preliminary questions. If you have additional concerns, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen S. Mahar".

Karen S. Mahar, Deputy

KSM:hs

Enclosures: as stated

cc: Ravalli County Commissioners

Renee Lemon

Dave Ohnstad



Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840  
Phone 406.375.6530  
Fax 406.375.6531  
jdegroot@ravallcounty.mt.gov

OG-07-11-1154

Date: November 13, 2007  
To: Bitterroot Ranch, LLC  
From: Jennifer De Groot, Projects Planner  
Cc: Outgoing Correspondence File, Subdivision File, Professional Consultants, Inc., David Ohnstad, Ravalli County Treasurer's Office

**Subject: Pro Rata Determination for the Summerdale Orchards Block 1, Lot 5A, AP Major Subdivision**

You have requested the pro rata determination for the Summerdale Orchards, Block 1, Lot 5A, AP Major Subdivision. As noted in the Preliminary Plat Decision, the applicant is required to make a payment of the equivalent of the pro rata share to improve County-maintained roads leading to the subdivision from Eastside Highway. Please bring the payment to the Ravalli County Treasurer's Office, which is located in the basement of the administration building on South 4<sup>th</sup> Street in Hamilton. Please inform the staff at the Treasurer's Office that the pro rata payment should be deposited in the account for the Corvallis Road District. If there are any outstanding fees due to the Road and Bridge Department, please inform the staff at the Treasurer's Office so those fees can be deposited in the appropriate account. Please provide a copy of the pro rata payment receipt to the Planning Department with your final plat application.

**The basic formula for the pro rata is as follows:**

$$(\text{Subdivision ADT} / (\text{Subdivision ADT} + \text{Total ADT})) * \text{Cost}$$

Subdivision ADT = Number of additional daily trips resulting from the subdivision

Total ADT = Total number of daily vehicle trips for the subject road, derived from road counts

Cost = Total cost to bring subject road/road segment up to County road standards, derived from cost estimate schedules

**Based on information received for this subdivision, the pro rata is calculated as follows:**

$$\text{Pro rata share for Popham Lane from Eastside Highway to Summerdale Road} = \\ (56 / (56 + 987)) * \$564,696.00 = \underline{\$30,319.25}$$

$$\text{Pro rata share for Summerdale Road from Popham Lane to project access} = \\ (56 / (56 + 241)) * \$177,397.00 = \underline{\$33,448.59}$$

$$\text{Total pro rata cost} = \underline{\$30,319.25 + \$33,448.59 = \$63,767.84}$$

Please feel free to call with any questions.

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215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840  
Phone 406.375.6530  
Fax 406.375.6531  
jlavey@ravallicounty.mt.gov

OG-08-04-323

Date: April 25, 2008  
To: Roger Russ  
From: John Lavey, Planner  
Cc: Outgoing Correspondence File, Subdivision File, PCI, David Ohnstad, Ravalli County Treasurer's Office

**Subject: Pro Rata Determination for the Roger Russ Subdivision**

You have requested the pro rata determination for the Roger Russ Subdivision. As noted in the Preliminary Plat Decision, the applicant is required to make a payment of the equivalent of the pro rata share to improve County-maintained roads leading to the subdivision from Eastside Highway. Please bring the payment to the Ravalli County Treasurer's Office, which is located in the basement of the administration building on South 4<sup>th</sup> Street in Hamilton. Please inform the staff at the Treasurer's Office that the pro rata payment should be deposited in the account for the Corvallis Road District. If there are any outstanding fees due to the Road and Bridge Department, please inform the staff at the Treasurer's Office so those fees can be deposited in the appropriate account. Please provide a copy of the pro rata payment receipt to the Planning Department with your final plat application. Please deposit the fees into the Stevensville Road District (Account #4006).

**The basic formula for the pro rata is as follows:**

$$(\text{Subdivision ADT} / (\text{Subdivision ADT} + \text{Total ADT})) * \text{Cost}$$

Subdivision ADT = Number of additional daily trips resulting from the subdivision, minus one existing lot.

Total ADT = Total number of daily vehicle trips for the subject road, derived from road counts

Cost = Total cost to bring subject road/road segment up to County road standards, derived from cost estimate schedules

**Based on information received for this subdivision, the pro rata is calculated as follows:**

$$\text{Pro rata share for Middle Burnt Fork from Eastside Highway to Logan Lane} = \\ (16 / (16 + 1748)) * \$366,780.00 = \underline{\$3,326.80}$$

$$\text{Pro rata share for Middle Burnt Fork Road from Logan Lane to North Burnt Fork Road} = \\ (16 / (16 + 891)) * \$879,107.00 = \underline{\$15,507.95}$$

$$\text{Pro rata share for Middle Burnt Fork Road from North Burnt Fork Road to project access} = \\ (16 / (16 + 59)) * \$57,602.00 = \underline{\$12,288.43}$$

$$\text{Total pro rata cost} = \underline{\$3,326.80 + \$15,507.95 + \$12,288.43 = \$31,123.18}$$

Please feel free to call with any questions.

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### **Roger Russ Subdivision**

1. Current Status: Final plat application was submitted, but there are missing items including evidence that pro rata has been paid. The applicant submitted the final plat application prior to the end of the preliminary plat approval period, which is 6/4/08, as required by the Subdivision Regulations. The final plat will be scheduled before the Commissioners when all the items have been submitted.
2. General Review Timeline:
  - a) Application Submitted – 8/29/05
  - b) 1<sup>st</sup> Deficiency Letter Sent by Planning Department – 2/15/06
  - c) Application Resubmitted – 7/7/06
  - d) 2<sup>nd</sup> Deficiency Letter Sent by Planning Department – 7/20/06
  - e) Application Resubmitted – 8/6/06
  - f) Application Deemed Sufficient – 8/17/06
  - g) Planning Board Public Hearing – 9/6/06
  - h) Applicant Decided to Redesign
  - i) Redesigned Application Deemed Sufficient – 2/28/07
  - j) Planning Board Public Hearing on Redesign – 3/21/07
  - k) BCC Public Meeting – 4/24/07
  - l) Final Plat Application Submitted – 2/7/08
3. Options for meeting the pro rata requirement:
  - a) Pay the pro rata, as required by Section 5-4-5(d).
  - b) Request a variance from Section 5-4-5(d). Staff usually does not recommend approval of variances from the pro rata requirement. However, there have been a few cases where the developer requested a variance from paying pro rata to the County and instead proposed to make actual improvements to the road equal to the value of the pro rata amount. Both the Road Department and Planning Department have recommended approval of these variances.

### **Summerdale Orchards Block 1, Lot 5A, AP**

1. Current Status: Final plat application was submitted, but there are missing items. The pro rata has been paid. The applicant submitted the final plat application prior to the end of the preliminary plat approval period, which is 7/31/08, as required by the Subdivision Regulations. The final plat will be scheduled before the Commissioners when all the items have been submitted.
2. General Review Timeline:
  - a) Application Submitted – 9/19/05
  - b) 1<sup>st</sup> Deficiency Letter Sent by Planning Department – 2/15/06
  - c) Application Resubmitted – 7/17/06
  - d) 2<sup>nd</sup> Deficiency Letter Sent by Planning Department – 7/18/06
  - e) Application Resubmitted – 8/29/06
  - f) Application Deemed Sufficient – 9/6/06
  - g) Planning Board Public Hearing – 10/4/06
  - h) BCC Public Meeting – 10/24/06
  - i) Continued BCC Public Meeting – 11/2/06
  - j) Final Plat Application Submitted – 4/15/08
3. Options for meeting the pro rata requirement: The pro rata has already been paid. I guess the applicant could request a refund through a variance, but I'm not sure since the money has already been paid.

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